

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JACQUELINE LASSITER,

Plaintiff,

v.

KIMBER ANDERSON, BRIAN GIBBS,
FLEET BANK

Defendants.

Civil Action No. 04-cv-10550-WGY

**JOINT MOTION TO AMEND CASE MANAGEMENT SCHEDULING
ORDER**

The parties, plaintiff, Jacqueline Lassiter, ("Plaintiff") and defendants, Kimber Anderson ("Anderson"), Brian Gibbs ("Gibbs"), and Fleet National Bank ("Fleet") (hereinafter sometimes collectively referred to as "Defendants"), hereby jointly move for an amendment to the case management scheduling order in this matter entered on June 22, 2004, to allow for discovery to be completed by March 15, 2005 and for dispositive motions to be filed by April 15, 2005. As grounds for this motion, the parties state as follows:

1. On or around February 11, 2004, Plaintiff filed her Complaint against Defendants in Massachusetts Superior Court. Plaintiff served Defendants on or around March 1, 2004.
2. On or around March 18, 2004, Defendants timely removed the case to federal court based on Plaintiff's allegations of violations of federal law.
3. On or around April 1, 2004, Defendants filed a motion pursuant to Fed.R.Civ.P. 12(b)(6) to dismiss certain counts of the complaint alleging violations of 42 U.S.C. §§1985-1986. On or around June 22, 2004, the Court denied Defendants' motion.

4. Also on or around June 22, 2004, the Court issued an order adopting the Defendants' discovery plan, as contained in Defendants' Statement Pursuant To Local Rule 16.1(D). Pursuant to that discovery plan dispositive motions are to be filed by November 30, 2004 and discovery concludes on January 15, 2004.

5. The parties have engaged a cooperative exchange of initial disclosures and paper discovery. While the parties have attempted to resolve discovery disputes informally, disputes have arisen that required the Court's intervention. On or around August 29, 2004, Plaintiff filed a Motion to Strike and for for (sic) Further Answers to Interrogatories and to Request for Production Propounded by Plaintiff to Defendant Fleet Bank. The Court ruled on Plaintiff's motion on September 21, 2004, allowing it in part and ordering Defendant Fleet to supplement some of its discovery responses within 30 days. Defendant Fleet has complied with this order and the parties are now in a position to take depositions.

6. Due to the discovery disputes and the time necessary to resolve such disputes, the parties now seek to amend the discovery plan to ensure sufficient time to schedule and take depositions and file dispositive motions, which will narrow the areas of dispute for trial and dispose of any claims as to which there is no genuine issue as to any material fact.

WHEREFORE, Plaintiff and Defendants respectfully request this Court amend the scheduling order to make all discovery due by March 15, 2005 and all dispositive motions filed and due by April 15, 2005.

JACQUELINE LASSITER, Plaintiff

By her attorney,

/s/ Winston Kendall

Winston Kendall

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**KIMBER ANDERSON,
BRIAN GIBBS, AND
FLEET NATIONAL BANK**

By their attorneys,

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Dated: November 24, 2004

